

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
OAKLAND DIVISION

UNITED STATES OF AMERICA,)	No. CR 4:11-70869 MAG (LB)
)	
Plaintiff,)	
)	DETENTION ORDER AND SPEEDY
v.)	TRIAL EXCLUSION
)	
CARMEN MARIA FLORES,)	
)	
Defendant.)	

I. DETENTION ORDER

Following a hearing under 18 U.S.C. § 3142(f), considering the factors set forth in section 3142(g), and for the reasons stated on the record in open court, the Court finds that in this presumption case, *see* section 3142(e)(3)(A), no condition or combination of conditions in section 3142(c) will reasonably assure the defendant's appearance in this case or the safety of any other person or the community. In particular, the serious narcotics offenses here involve 11 pounds of methamphetamine being transported by the defendant in a load car with hidden compartments. As the presumption itself demonstrates, the nature of the offense itself shows danger to the community. In addition, as stated on the record, the court had concerns about whether – given what the record currently shows about events in Oregon – the court could fashion conditions that will reasonably assure the defendant's appearance in these proceedings.

DETENTION ORDER
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1 The court acknowledges that members of Ms. Flores's family were present in court and were
 2 willing to co-sign on an unsecured appearance bond. But the proffered co-signing by persons of
 3 modest means did not mitigate the court's concerns about flight risk sufficiently. The reason that
 4 sureties can mitigate flight risk is that often the risk of financial ruin to responsible family
 5 members or friends can assure a defendant's appearance in court, mostly because the defendant
 6 recognizes that failing to comply with bond conditions comes not only at a cost to the defendant,
 7 but also to others. Those incentives do not exist here, at least not on this record with these
 8 proposed sureties (given the events in Oregon, Ms. Flores's long-term lack of lawful
 9 employment, and the substantial drug quantity at issue). (The court recognizes that the weight of
 10 the evidence is the least significant factor because under the bail statute, the court's inquiry is not
 11 whether a defendant is guilty but instead is whether a defendant will show up to court
 12 appearances and not pose a danger. But the offense conduct – particularly in a presumption case
 13 – is relevant to the court's assessment of the factors under the bail statute.)

14 Because this court reaches this conclusion based on the now-existing record, the court orders
 15 Ms. Flores detained without prejudice to her raising additional information at a future bail
 16 hearing relevant to the court's articulated concerns at the detention hearing about flight risk.

17 II. CONCLUSION

18 The Court detains the defendant as a danger to the community and as a flight. The Court
 19 orders the defendant committed to the custody of the Attorney General or a designated
 20 representative for confinement in a corrections facility separate, to the extent practicable, from
 21 persons awaiting or serving sentences or held in custody pending appeal. *See* 18 U.S.C. §
 22 3142(i)(2). The defendant must be afforded a reasonable opportunity to consult privately with
 23 counsel. *See id.* § 3142(i)(3). On order of a court of the United States or on request of an
 24 attorney for the government, the person in charge of the corrections facility must deliver the
 25 defendant to the United States Marshal for a court appearance. *See id.* § 3142(i)(4).

26 IT IS SO ORDERED.

27 DATED: August 10, 2011

28 
 LAUREL BEELER
 United States Magistrate Judge